

PROCEEDINGS OF PIERCE COUNTY, NORTH DAKOTA, BOARD OF COUNTY COMMISSIONERS

November 4, 2025

The Pierce County Board of County Commissioners met in regular session on November 4, 2025. Chairman Hoffert called the meeting to order at 8:00 A.M. with members Berg, Bohl, Bednarz, and Migler present. Also present was Lester Jay Reinke, Rugby City Council.

Chairman Hoffert led the Pledge of Allegiance.

Moved by Bohl and seconded by Migler to approve the consent agenda, with the addition of Lester Jay Reinke and Berg needed to discuss tree issue and Barton garbage pit. Motion carried.

Reinke, talked briefly about the delinquent property that went back to the county. The house needs to be demolished as it is considered a dangerous building. County will need to take care of.

Moved by Bohl and seconded by Bednarz to accept the October minutes as mailed. Motion carried.

Moved by Berg and seconded by Migler to approve those bills previously paid and those yet unpaid were ordered paid. Motion carried.

Board reviewed Officer fee reports and hourly workers time sheets.

Moved by Migler and seconded by Bohl to approve Treasurer's checks #6497-#6498, in the amount of \$5,686.00, for the month of October. Motion carried.

Board reviewed the October financial report. Moved by Bohl and seconded by Berg, to accept the financial report for the month of October. Motion carried.

Moved by Migler and seconded by Bednarz to transfer \$25,000. from Wireless Fund to E911 Fund. Motion carried.

Josh Siegler, Pierce County Sheriff, joined the meeting.

Josh Siegler, Sheriff, met and gave the Board a report for the month of October for his department. Total calls-42; Medical Calls-2; Fire Calls-4; Traffic Accidents-1; Assist Other Agencies-7; Prisoner Transports-1; Arrests- 1 Warrant; Citations-33; Papers Served-22; Warrants Served-1. Siegler reported that an interview was held for a part time dispatcher, who will be starting later this month.

Hoffert left the meeting.

David Migler, Vice-Chair, took over the meeting.

Board recessed to sit on the HACTC Board.

Josh Siegler, Sheriff, went over the bills for the month of October. Moved by Berg and seconded by Bohl to approve those bills previously paid and those yet unpaid were ordered paid, for the month of October, for the HACTC. Motion carried.

Josh Siegler, Sheriff, gave the Board a report on the inmate population at the jail facility for October, which was 82 (ADP). Current inmate count is 86. High of 89 for October. Bookings 27, Releases 29. Pierce County inmate population for October was 4. Deficit of \$53,541.74, for the month of September. Siegler said there was a double payroll for the month of September. Personnel 21/24 officers, 1 termination. Siegler reported that the CCTV camera upgrade has been completed. Moved by Bohl and seconded by Bednarz to approve the financial report for the month of September, for the HACTC. Motion carried.

Board reconvened at 8:45 A.M., with all members present.

Siegler informed the Board that the Back the Blue Grant was received. He reported that it would be distributed differently this time around. His plan was to give out half this year and the other half later. He would give a \$650. base and an additional \$2.50 per month of service added. The grant this time around could be used for retention of employees only.

Hoffert rejoined the meeting.

Board acted on a request from Kelsey Siegler, Emergency Management, to rescind the burn restrictions which expired on October 31<sup>st</sup>. Moved by Migler and seconded by Bohl to rescind the expired burn ban. Motion carried.

Board reviewed abatements received from Margaret Stadum for tax years 2023 & 2024 (2025-28 & 29) on the following described property: Lots 8-9-10, Block 3, Comstocks 1st Add., City of Rugby, and an abatement received from Nathan & Kathryn Steen for tax year 2023 (2025-27) for W9' Lot 6, all Lot 5, Blk. 2, Rohrs Add. to the City of Rugby, as recommended by the Tax Director, as Homestead Credit filed. Moved by Migler and seconded by Bohl to approve the abatement applications. Motion carried.

Board reviewed abatement application submitted by Jeffrey Stewart on the following described property: Pierce Co. 5-78, Lot 2, Blk. 2, City of Rugby as recommended by Tax Director as Veteran's Credit applied. Moved by Bohl and seconded by Bednarz to approve the abatement application. Motion carried.

Rebecca Leier and Blaine & Susan Schmaltz, concerned citizens, joined the meeting. Kelsey Siegler, Zoning Administrator and Galen J. Mack, States Attorney, joined the meeting. Leier said their concern is the nuclear waste disposal. They informed the Board about events that have transpired since the April Commissioners meeting. They would like the Board to direct the Planning & Zoning to open up & refresh the regulations for the nuclear waste disposal. They would like to talk to the township's members at their January meeting. They felt that getting the townships to band together would give them more power. Leier said they need to get the right information out to the public, to keep them informed and

keep the nuclear waste out of our county. Schmaltz said temporary storage will turn into permanent storage. Leier said no community wants it and said we are looking out for future generations. Leier and Schmaltz said they would give the Commission an update in March 2026.

Karin Fritel, Clerk of Court, & Helen White, JLG Architects, joined the meeting. They discussed the remodel for the staff attorney/court recorder's office in the courthouse. There is a State Grant that they can apply for, which would pay 75/25. Board said they would discuss and get back to them.

As the hour of 11:00 AM, a public hearing was held for the conditional use permit submitted by Chad Duchscher for an Ag Repair Shop located in the W1/2NE1/4 and E1/2NW1/4 of Sec. 15 155-73, as recommended by the Planning & Zoning Board. Moved by Migler and seconded by Bohl to approve the conditional use permit submitted by Chad Duchscher. Motion carried.

Board discussed the remodel project. They would talk to a local contractor for an estimate and go from there, as the roof needs to be repaired too.

Berg discussed the trees hanging over the road. Mack advised him to inform the resident to take care of the issue, or the work will be done and the charges placed on their tax bill. Mack said reach an agreement. Berg discussed the misuse of the Barton dump ground. The Board told him to close it down.

There being no further business to transact, moved by Bednarz and seconded by Bohl to adjourn the meeting at 12:00 P.M. Motion carried.

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Karen Migler, Auditor-Treasurer  
Pierce County, North Dakota

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Terry Hoffert, Chairman  
Board of County Commissioners

PROCEEDINGS OF PIERCE COUNTY, NORTH DAKOTA, BOARD OF COUNTY COMMISSIONERS  
NOVEMBER 13, 2025

The Pierce County Board of County Commissioners met in special session on November 13, 2025, in the Pierce County Courthouse Court Room, for a public hearing for Dakota SAO II, LLP, for a conditional use permit for a Swine Animal Feeding Operation located in N1/2SE1/4 of Sec.24 – 158-69. Members present were Bednarz, Berg, Bohl, Hoffert, & Migler. Also, present was Galen J. Mack, States Atty., Kelsey Siegler, Planning & Zoning Director, and 59 others.

Chairman Hoffert called the meeting to order at 6:30 PM.

Chairman Hoffert called for those who signed up to provide testimony to come up & speak as their name was called. Each person was allowed three minutes to speak.

Nathan Pesta, Ag Engineer, spoke about the improvement in these barns and how the concrete pit will store up to 16 months of waste storage. He talked about the State of The Art Facility.

Judy Ziegler, was opposed to the operation. She said she is a concerned neighbor that lives 2 ½ miles NE of the proposed hog operation. She spoke of the well on their farm which is very shallow. She said back in the 30's when there was a severe drought, it didn't go dry. Neighbors came to get water from their well. She said this well continues to be used and then rural water became available. She questioned the sustainability of the rural water with all the water that will be used by the hog farm.

Lisa Pogatshnik, read a speech from Art Link from 1973, which spoke of our precious resources and how to leave the land as good or better than before. She said we cannot reclaim the land once it is ruined.

David Glatt, Director of Dept. of Environmental Quality, said this will be a three step process. They will go through the design and operation plans and then have a public hearing. They will make sure that Summit Ag complies with everything and will follow through with inspections.

Tamra Heins, ND Pork Council Exec. Dir, spoke of how the DEQ application or permit process takes about 6 months to a year and is very thorough. She said the manure storage has a deep contain system which is similar to a septic system, which is newer technology and will have better odor control. She said the manure that is applied is regulated. Heins stated that there are 15 CAFO's in the state and they are being monitored. They are required to follow the guidelines of the Federal government. She encouraged the Board to pass this conditional use permit.

James Gibbens has had the family farm which has been in the family for 140 years. He said the last 20 years they have had a hog operation and the Health Dept. has monitored it. He was supportive of this proposed operation and said the Summit barns will be better than those at the Hexagon site.

Brooks Slaubaugh was supportive of the proposed operation. He said it will be good for ND and said it will have an economic impact. He understood the opposition, but said as long as they follow the guidelines, it will be good.

Hayden Larson is a 4<sup>th</sup> generation farmer in Towner County, worked in Iowa. He said Summit doesn't cut corners. He felt this would be a good thing for the community.

Casy Drege, with ND Farm Bureau, said farmers & ranchers thrive in this State. He said the main issue is the setback issue. Hurricane Lake, ag or recreational, land in question is zoned as ag land. He referenced a Supreme Court case that concluded it was ag land. Any water contamination will be monitored by regional agencies.

Janelle Engstrom, read a letter on behalf of the City of Leeds. They are deeply concerned as they are downstream from Hurricane Lake and want to ensure that their water needs are met. They oppose this project and want it to be carefully evaluated. Engstrom read a second letter from Dennis Sexhus who

owns a 3500 head feedlot in Towner County. He questioned the availability of rural water, and was concerned that this project would take away from their feedlot. Their water pressure is usually 80-85 lbs. and drops to 60 lbs. or less in peak times. He felt a large user as this added to the system will take away from their operation.

Guy Larson lives SE of the proposed hog facility. He is concerned of the future of his family. He said if you don't protect the citizens, who will. He said Summit Ag are not citizens of our state. He said Dakota SAO has many investors, are they citizens? He stated people's water shouldn't be jeopardized. He said Hurricane Lake is used for wildlife and it falls within the 1 mile setback.

Lincoln Larson referred to N.D.C.C. 45-22. He stated that Summit is registered as an LLP for farming & ranching and should include names & addresses of all partners. He said they only have one partner listed with the Sec. of State and questioned why they would put a false statement on a government document.

Tom Bodine, Deputy Ag Commissioner, talked about the animal numbers in the state. He said Iowa has 25,000,000 hogs. North Dakota has less than 500,000 hogs. He said Souris Basin did their study and this location was chosen. He said location is key. He said animals and grain compliment each other. He said go to the law to reach a decision and he looks forward to this facility.

Amber Woods, Exec.Dir. of ND Livestock Alliance, worked with 5 hog barns in the State. She said there are a lot of questions. She talked about the ND Dept. of Ag awarding grants for road and bridge improvements. She said SB2177 will direct certain State taxes to the County if this is approved. She recommended that it be approved.

Bryan Dean, ND Board of Corn Growers Assoc., talked about how natural manure makes healthy soil and is safer to use for the State. He was in support of this project.

Jay Reinke said he met with Mitch Baum & Kent Krause and said they are committed to the community. He said their primary goal is to breed pigs and minimize disease. He talked of the value of manure and that it is good for the soil. He was in support of this project.

Jon Nelson, State Representative, said he attended the zoning meetings and heard the concerns of the water supply and contamination fears. He said his farm is 2 townships away from this site, there are no contamination issues. He said the water supply should not affect the City of Leeds. He said the availability of water is not an issue. He said just details need to be worked out with the City of Rugby. He said the hydrology study is being done. He felt this is a good project for the whole region.

Lonnie Anderson said he has been on the Planning & Zoning Board for 20 years. He said himself & Wayne Stevenson went to Casselton many years ago for a seminar on hog farms. They talked to the people that applied the fertilizer. They said when the hose breaks, it is a mess, and with those setbacks it could be a problem. He said water runs downhill and Devils Lake will not let this happen. He said you may lose your farm, careful what you wish for. He reminded them of the Abe Lincoln quote - The government is of the people, by the people, for the people.

Paul Thomas, State Senator, said this project would be important for food production. He said we have to trust the science and that these facilities are safer than they have ever been. He said they welcome ag, rural water & elec. co-ops. He was in support of this project and urged the Board to look at the science.

Becky Tofte talked about her & a friend's experience with getting feed from a local elevator for their horses. Their horses got sick. She called the Dept. of Ag. They asked if she contacted people that bought feed. She said they did finally recall the feed, but nothing happened to the people that sold them the feed. She said the State doesn't have good rules and asked will this be the same thing.

Steve Fritel is a lifelong resident of Pierce County. He said he came to listen. He said in Iowa these farms are very common, the fertilizer is very valuable, and animal production is very important. He asked how many times can the Commissioners say no and expect this community to grow. He said listen to the facts, this is an opportunity.

Berinda Larson, said this is the Govt. of the people, For the people, By the people. She said the hydrology study has not been completed. She said the people's water should not be in jeopardy. She said the Planning & Zoning Board denied this permit, listen to them. She said the wildlife conservation falls within the 1 mile setback. She urged the Commission to deny this permit and protect this County.

Renae Ahlberg said she is the mother of 4 children and lives within 3 miles of this proposed project. She said it comes down to common sense and said if you don't want this in your community, don't put it in ours. She said CAFO's manure is more than just a stench, there is methane and ammonia. This causes nausea, runny noses, asthma attacks, and the bacteria causes antibiotic resistance. She doesn't want this for her children. She said keep it local, don't trust the State, that's why she homeschools.

Rebecca Hermanson lives within 5 miles and raises her kids. She said listen to the facts on both sides. She said if you don't want this in your yard, don't put it in ours. She said the benefits don't outweigh the negative.

Aaron Esterly said he moved here to get away from commercial agriculture. He urged the Board to vote no.

Faryn Esterly said they were newcomers and brought their children here. She said they are dependent on their well. She was concerned about the aquifer. She said the wildlife will be affected and hunting brings economic opportunity here. She said her children and grandchildren will be affected by this decision. She urged the Board to vote no.

Bruce Gibbens talked about the manure injections. He said he was personally involved for 20 years. He said he works with the State every year with testing the soil samples. He has supplied tests to the State Health Dept. for 3 to 5 years. He said the manure has valuable nutrients. He urged the Board to support this project and felt that it will benefit the community and the whole area.

Sam Wagner, Rep. of Dakota Resource Council, ag & food organizer, has researched CAFO's and has been through these hearings. He said local control has been stripped and said the State has no environmental concerns.

Jason Siebert lives 8 miles South of Hurricane Lake and said for this location the hydrology study has not been done yet. He said it is running at the edge right now. Without rural water, who would be responsible, since this study is not done yet.

Jeff Kenner recapped the zone area, designated for a specific group. He said Hurricane Lake waterfowl area, on Nov. 9, 1933 became a National wildlife. He said if U.S. owns it, it is not taxed. He said raising animals should not be on platted land. He said ag property should be platted or unplatted. Hurricane Lake doesn't do that. He said Hurricane Lake is a special place and is not to be polluted.

Mitch Baum, with Summit Ag, said their manure management exceeds requirements. He said a field for application was removed from the plan south of Hwy. 17. He said they have 150% of State required storage capacity. He said the existing operation in Cando has \$20,000 direct economic development and feed impacts has been nearly \$3,000,000 to 6 locally owned businesses.

Kent Krause with Pinnacle talked about water quality & manure. He said manure increases the amount of water the soil can hold, which reduces nutrient run-off, it restores the health of soil by increasing organic matter. He said the soil will be healthier. It eliminates ponding. The extra organic content increases the soil to hold more water. He said placing nutrients by injection protects the phosphorus from run-off.

Guy Larson questioned why in the N.D.C.C it states animal feedlot construction must begin within 1 year of acquiring the property, the deed shows June 2024. Baum said if we started construction without State approval we would be in major violation.

Galen J. Mack said that is correct, you can't begin construction until you have the permit. It needs to go through the process that we're going through right now.

Sam Wagner asked when was the last time the State denied a permit. David Glatt said if they meet all the conditions, then they go to public comments. He said the DEQ has had several operations that haven't made it to that point.

Neil Lotvedt was asked if the City infrastructure would have to be beefed up, to handle the increased water required. He said we have enough now. Lotvedt said the City will work it out with rural water. He said don't worry about the water, we won't run out of water.

Hoffert asked about what happens in the winter with the waste. Baum said it is held in a holding facility. He said they have more than a year's storage, they have up to 16 months of storage capacity.

Sam Wagner asked how many hours or days for that 16 months of storage to be removed. Baum said it would be approximately 67.1 hours to pump it out.



Galen J. Mack asked the DEQ if there were any complaints about the Towner County operation. Glatt said there was back in 2008 which was odor related. Mack asked if there are any complaints about sewage going into Lake Alice. Glatt said there haven't been any complaints. Glatt said it is monitored for contamination with the wildlife there.

Kenner asked when the last time a study was done by Lake Alice. Glatt said 2010 to current. He said there no swings up or down. Kenner said even is not good, as the levels are higher. He said pollution was way higher than ND standards, which is too high.

Dan Schaefer, All Seasons Water Users, said everyone would have water. He said sprayers take more now and water usage has changed over the years, but said they will be able to supply water to current customers. They are working with engineers, but it is costly. They didn't want to invest in the cost if the permit was going to be denied.

Berg made a motion to approve the conditional use permit, seconded by Bohl. Berg said it still has to go to the State and DEQ.

Kelsey Siegler, Zoning Director, said this is a conditional use permit, so conditions could be put on it. Board agreed. The following conditions were added: Applicant must obtain an agreement/permit from City of Rugby//and or All-Seasons Water District for the appropriate allocation of water. Must enter a road maintenance agreement with the County. Any NDDEQ violations must be immediately reported to the Pierce County Commissioners. If there are any changes to the County's authority to require a closure plan under state laws, the applicant must oblige as requested by the County. Applicant/operation must be in compliance with all state and federal laws.

Motion amended to approve with conditions. Amended by Berg and seconded by Bohl.

Roll call vote:

Migler said planning & zoning board did a lot of research and recommended a no vote, the county wouldn't be getting much in tax dollars, and feels for the people. Migler voted NO. Berg voted YES. Bednarz voted NO. Bohl had mixed feelings, needed to move forward, be good stewards of fertilizer. Bohl voted YES. Hoffert said he totally feels for everyone, felt that the State would overrule them anyway. Hoffert voted YES. Conditional use permit was approved.

Moved by Bohl and seconded by Bednarz to adjourn the meeting at 9:27 PM. Motion carried.

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Karen Migler, Auditor-Treasurer  
Pierce County, North Dakota

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Terry Hoffert, Chairman  
Board of County Commissioners



PROCEEDINGS OF PIERCE COUNTY, NORTH DAKOTA, BOARD OF COUNTY COMMISSIONERS  
NOVEMBER 26, 2025

The Pierce County Board of County Commissioners met in special session on November 26, 2025. Chairman Hoffert called the meeting to order at 1:00 PM with members Berg, Bohl, Migler, and Bednarz present. Also present were Frank LaRocque, Rugby Mayor, and Neil Lotvedt, Rugby City Council, and Kelsey Siegler.

Kelsey Siegler, Tax Director and Disaster Emerg. Manager, resigned effective November 30, 2025. Siegler told the Commissioners that she would continue to provide Emergency Management Services if they would sign a contract with her. Siegler explained that she would provide on-call support to the county as-needed. She would continue with the EMPG requirements which include quarterly reports, develop and maintain a 3 year training & exercise plan, update the local emerg. operations plan every 2 years, maintain a reverse 911 system and conduct monthly tests, to name a few requirements. Siegler said she would provide written quarterly reports to the commission, work with the commission for implementation of burn restrictions, when necessary, and submit applications for EMPG & Hazard Mitigation Grant Programs. Siegler would need office space in either the courthouse or at the jail facility.

LaRocque and Lotvedt recommended that the county stay with her services as she has the training. Lotvedt said after Casselton's disaster, why wouldn't you want to continue with her.

A motion was made by Migler and seconded by Berg to sign the contract with Siegler to provide the Emergency Management Services for Pierce County, at a cost of \$2000. monthly. After roll call vote: Bohl – "Yes", Berg – "Yes", Hoffert – "Yes", Migler – "Yes" and Bednarz – "No". Motion carried.

Board discussed the amount of hours to offer the tax director position. Bohl recommended combining it with the Recorder's office. Board would discuss at their Dec. 2<sup>nd</sup> meeting.

Motion was made by Bohl and seconded by Berg to adjourn at 2:15 PM. Motion carried.

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Karen Migler, Auditor-Treasurer  
Pierce County, North Dakota

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Terry Hoffert, Chairman  
Board of County Commissioners

## OCTOBER EXPEDITURES

NORTHERN PLAINS ELEC \$78, CITY OF RUGBY \$2836.72, HACTC RES FUND \$871.50, WIBE, NATALIE \$712.58, PIERCE CO PAYROLL ACCT \$39907.46, PIERCE CO TREAS \$29.86, ND STATE TREAS \$1301.48, NDTC \$1803.43, OTTER TAIL \$1278.32, JP MORGAN \$6118.08, PIERCE CO PAYROLL ACCT \$113715.78, PIERCE CO TREAS \$249.11, AFLAC \$1175.73, SECURITY BENEFIT \$2148.83, NATIONWIDE \$2454.25, PIERCE CO PAYROLL ACCT \$85078.11, PIERCE CO TREAS \$40.34, ND CHILD SUPPORT \$387.60, CREDIT BUREAU \$873.48, NDPHIT \$84126.15, NDPERS \$31401.50, HACTC BILLS \$46482.74, BOHL, JOE \$340.90, BERG, JOEL \$210, BEDNARZ, DAVID \$320, HOFFERT, TERRY \$210, MIGLER, DAVID \$305.90, BISMARCK HOTEL \$660, MIGLER, KAREN \$301, ATKINSON, STACEY \$92.40, STEIN'S \$46.52, LEEVERS \$69.26, RUNNINGS \$120.51, JD FINANCIAL \$27.34, HARDWARE HANK \$61.13, TORMANEN, KEVIN \$45, CIRCLE SANITATION \$201.25, CITY OF RUGBY \$651.13, TAYLOR PRINT \$3,110, COLUMN \$295.62, FIRESIDE \$30.35, PIERCE CO TREAS \$468.35, QUADIENT FIN \$500, QUADIENT LEAS \$1035, MACK LAW OFFICE \$385.87, SOFTWARE INNOVATIONS \$4400, COMPUTER EXPRESS \$11936.84, DAKOTA DYNAMICS \$1,000, ITD \$4186.57, CITY OF RUGBY \$1074.19, RUGBY SERV CTR \$1905.50, BRAD'S TOWING \$30, UNIFORM CENTER \$85.99, HACTC \$6745.47, OFF OF ATTY GEN \$310, OFF OF ADJ GEN \$120, ISOLVED \$293.45, TRIBUNE \$48, ONE CALL \$3, NDACO \$91, NDSU EXT \$1022.73, WIBE, NATALIE \$452.40, MONTONYE, RONALD \$601.10, WALKERS LAWN \$22000, LYSNE, MICHELLE \$228.80, OTTER TAIL \$6247.15, HACTC RES FUND \$965.50, CITY OF RUGBY \$2562.09, WOLD ENG \$9900, ZEIEN, PAUL \$144.20, WANGLER, RODNEY \$400, OTTER TAIL \$220.48, ENVISION \$6592.30, HIGH PLAINS \$388.50, RUGBY AUTO PARTS \$82.05, SCHNEIDER CUSTOM HAULING \$32302.52, SUSAG \$2267.20, RITTERMAN TRUCKING \$21738.40, B & J EXCAVATING \$25740, ANDERSON, LONNIE \$10700, BOHL, JOE \$1125, MIGLER, RYAN \$800. GRAND TOTAL \$611269.01