

**Commissioner Meeting**  
**October 1, 2024**

Chair Jerry Walsh called the meeting to order at 9:02 am. Commissioners John Hokana, Brandon Carlson, Kacey Holm, and Marke Roberts were also present. Auditor Sheppard and resident Cindy Bagley were also present. States Attorney Kim Radermacher and Health District staff Roxanne Holm and Kerry Waldo were present via electronic means. The media was not present. The Pledge of Allegiance was recited

Additions

- Load limits on county roads
- Paving of Co Rd 3 west of Oakes
- Voting booths in Oakes

Holm made a motion to approve the minutes with corrections. Roberts seconded. Motion carried.

County Agent Administrative Assistant Monica Pakonen and Clerk of Court Andi Schimke joined the meeting via electronic means at 9:15. County Agent Breana Kiser, NDSU Central District Director Dena Kemmet, and NDSU Interim East District Director Alicia Harstad joined the meeting at 9:28.

Sheppard requested the addition of a voucher in the amount of \$552.50 to transfer FEMA money received for cleaning downed trees on county property at Pheasant Lake. The reimbursement has been received. Holm made a motion to approve the vouchers with the addition of the transfer of funds. Roberts seconded. Roll call was unanimous. Motion carried.

Kemmet spoke with the Commission concerning the official resignation of Family and Community Wellness Agent Danielle Dinger, who officially started in LaMoure today. Walsh and Holm both expressed concern that Kemmet had not contacted the Commission about the pending resignation, stating it is hard to fix a problem if you are not aware of the problem. Kemmet recognizes that she should have reached out to Chair Walsh. Kemmet is requesting a motion from the Commission to fill the position because Kemmet can't open the position until the Commission has done so. The importance of the position and the individual's involvement with the schools was also discussed. Holm made a motion to authorize NDSU to fill the position. Carlson seconded. Roll call was Carlson yes; Hokana yes; Holm yes; Roberts no; Walsh yes. Motion carried. Kemmet requested one of the Commissioner serve on the search committee. Holm will serve on the search committee. Roberts personally thanked Dinger for her hard work and time of service with Dickey County.

The Commission went into recess at 10:05 and returned at 10:15.

Applied Digital staff Martin Vega and Andrea Mireles joined the meeting at 10:15.

Roberts made a motion to approve the final 2025 Budget. Holm seconded. Roll call was unanimous. Motion carried.

Roberts made a motion to open the Omitted Tax hearing. Carlson seconded. Motion carried.

Sheppard reviewed the six properties in question for the omitted tax hearing. Two parcels (#07210001 and #08083000) are land purchases from an exempt property to a non-exempt property. These values are prorated based on the day of the sale. The next two parcels (#02130002 and #00619750) are land purchases of property that no longer qualify for farm residence exemption because of the purchase. These values are prorated based on the day of the purchase. The last two parcels (#00890875 and #01980625) are properties that have new homes that were not included in the original assessment. Hokana made a motion to approve the new values to be added to the tax rolls on the above properties. Holm seconded. Roll call was unanimous. Motion carried.

Holm made a motion to close the omitted tax hearing. Hokana seconded. Motion carried.

Holm made a motion to open the abatement hearing. Roberts seconded. Motion carried.

Sheppard presented one parcel filing (parcel #10321000) for 100% homestead credit for the tax years 2022 and 2023. Sheppard stated the landowner meets the qualifications for the 100% credit. Holm made a motion to approve the abatement as presented. Carlson seconded. Roll call was unanimous. Motion carried.

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

KLJ Engineer Bryan Tykwinski and Highway Superintendent Jeff Hagen joined the meeting at 10:40.

Hagen presented a permit from Scott German to run a tile line under County Road 14 in section 16 of Lovell Township south of the Ludden curves on ND Highway 11. The tile permit was approved previously by the Water Board. Dakota Improvement completed the work and has put gravel on the road. German has agreed to pay the cost of putting the road back to its original condition. Carlson made a motion to approve the utility permit. Holm seconded. Motion carried.

DES/911 Coordinator Charlie Russell and Applied Digital representative Nick Phillips joined the meeting at 10:45.

Carlson commended the Highway Department on the paving completed on the west side of Oakes on County Road 3. The transition is very smooth and completed on time.

Hagen discussed with the Commission the railroad crossing east of Oakes that the county has had safety concerns reported from a concerned citizen. A decision was made to have the crossings looked at by the state of North Dakota.

Hokana has received many phone calls concerning load limits on county roads during harvest time. Hagen stated the weight limit is 105,500 unless posted. A farmer can pay for a 10% harvest permit from the state which only applies to state roads, allowing them to be 10% overweight. Currently, getting that harvest permit does not carry over to county roads. Roberts made a motion to approve the use of the state issued 10% harvest permit on county roads. Carlson seconded. Roll call was Hokana yes; Carlson yes; Walsh no; Roberts yes; Holm yes. Motion carried.

Elden Township Supervisor Gary Dathe joined the meeting at 11:00. Ellendale Township Supervisor Joel Hamar and NDACo Executive Director Aaron Birst joined the meeting via electronic means at 11:05.

Hagen and Tykwinski discussed the funding for County Road 12 with the Commission. There are two possible options, both costing the county the same amount of money. Holm made a motion to use the option to use county funds after the state project funds have been used, which postpones those expenses to 2026. Hokana seconded. Roll call was unanimous. Motion carried.

Phillips discussed with the Commission the traffic issue at 87<sup>th</sup> Avenue, as well as 95<sup>th</sup> Street. Phillips is requesting the state of North Dakota to install turn lanes on Highway 11 going east and west and a turn lane on Highway 281 at 95<sup>th</sup> Street. The grant funding that could be used for this project would need the two township roads be converted to county roads. Phillips discussed a sample cooperative agreement he has from McKenzie County, which would be a possible contract the group could work with. Applied Digital is willing to work with the county to pay for the cost of the road, as the intersections are creating a safety hazard for those using those roads.

Phillips recognizes that the township board is basically volunteer position and does not have the budget to complete this project. Phillips is not sure of the reasoning for Ellendale Township to not agree with the county making the road a county road. Phillips stated in his opinion it is the decision of the county whether to convert the road to a county road or not.

Dathe stated that the biggest concern for Elden Township was the maintenance of the road with the heavy use on the township road. Elden Township would lose two miles going west from Highway 281 on 95<sup>th</sup> Street to 87<sup>th</sup> Street and one mile south on 87<sup>th</sup> Street. Dathe felt that the citizens of Elden Township were less concerned with the change, if the county took the road over as a county road.

Radermacher has reviewed the Century Code concerning this issue. Radermacher is not sure of the issue that Ellendale Township has concerning this road.

Phillips stated that he wants the County and Applied Digital to follow the appropriate steps. Phillips stated they just need a motion to change the road to a county road.

Hamar reminded the Commission that the number one industry in Dickey County is agriculture. The county is busy enough with the roads they currently have. The example of the repair on County Road 2 that has not been done was used as an example. Hamar stated that Applied Digital has agreed to do maintenance on the road, such as cables by the holding ponds, but that has not been done. The slope of the ditches is not correct and that has not been fixed. Ellendale Township does have the equipment to continue to maintain that road.

Phillips stated that the cable by the ponds has not been done yet, but the agreement was that it was to be finished when the ponds were finished. The ponds have not been finished at this time. Phillips stated that they are trying to address the slope issue on the ditches but are having a hard time communicating with the township.

Vega discussed the issue of the township having time to maintain the road. In his discussions with Martin Construction, Vega felt that Martin Construction will only get to this road once or twice a month. Vega stated that the real problem is the road safety. Phillips and Vega both stated that the communication with the township is hard and often no response. Applied Digital was requesting the signature on a form from Ellendale Township. Hamar stated the township board felt that it was not in their best interest to sign the form.

The discussion concerning the safety of all Dickey County residents was discussed in detail. Holm stated that safety is his main concern, not so much the paving of the roads. Roberts stated that he will not vote against what the township's position

Carlson made a motion to investigate the acquisition of 87<sup>th</sup> Avenue and 95<sup>th</sup> Street in order that turn lanes can be placed on Highway 11 and Highway 281 for the safety of all the people in Dickey County. Hokana seconded. Discussion followed with Hokan expressing disappointment that Ellendale Township is not thinking about the safety issue regarding the turning lanes. Tykwinski stated there are some things he felt needed to be addressed before we go much further with the process. Radermacher will work with Phillips on a possible agreement between Dickey County and Applied Digital that was discussed earlier. Roll call was Carlson yes; Walsh yes; Roberts no; Holm yes; Hokan yes. Motion carried.

The meeting was adjourned at 12:27.

Ellendale Township  
8910 99<sup>th</sup> St SE  
Ellendale, ND 58436

[ellendaletownship@outlook.com](mailto:ellendaletownship@outlook.com)

Joel Hamar, Chairman  
Jerry Rekow, Supervisor  
Vincent Carruth, Supervisor  
Amanda Thorpe, Clerk/Treasurer

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October 30, 2024

Dickey County Commissioners  
309 2nd St N  
Ellendale, ND 58436

RE: 87<sup>th</sup> Avenue SE, Ellendale, ND

Dear Commissioners,

We are under the understanding that Dickey County is considering whether it has the authority to assume supervision and control over 87<sup>th</sup> Avenue SE, within the Township of Ellendale. As Supervisors for the Ellendale Township, the care and supervision of the Township Roads is our right and duty. At this time, the Township has not transferred any supervisory authority to the County with respect to 87<sup>th</sup> Avenue SE, or any other road within the Township.

As you are aware, the Constitution for the State of North Dakota specifies that political subdivisions have maximum local self-government. Moreover, that any subdivision has ultimate authority over when and for how long it may transfer any power or authority to another governmental entity, for example a County. Similarly, the Century Code fully supports township control over its own roads, and that the County's role in road control is limited only to those areas where the territory is unorganized.

This letter is to confirm with Dickey County, that the Township of Ellendale has not requested that the County undertake control of any road within the Township, nor have we transferred any of our supervisory authorities to manage any of the roads in Ellendale Township, including 87<sup>th</sup> Avenue SE.

Please contact the undersigned directly if you have any questions with regard to the contents of this letter.

Sincerely,

Joel Hamar, Chairman  
Jerry Rekow, Supervisor  
Vincent Carruth, Supervisor

From: Bryan Tykwinski Bryan.Tykwinski@kljeng.com  
Subject: Ellendale Township 87th Ave  
Date: Sep 6, 2024 at 9:30:48 AM  
To: hamarfrm@gmail.com

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Hi Joel,

We put together an overall cost estimate for the project (1.5 miles of roadway grading, widening, pipe replacements, and asphalt paving) that is attached. Also included is the scope of services that we would perform for the prelim/design engineering to get a project ready and advertised for bidding, approximate fee's for engineering are included in the cost estimate.

Right now, we have the scope set up for the contract to be with the township. I know at the last County Commission meeting the project was brought up and the possibility of the road becoming a County Highway so that DOT would add turn lanes and potentially adding in additional miles on 96<sup>th</sup> Street to create a "bypass" around Ellendale, if you want to set up a meeting or want any help from us with facilitating any of those talks we can definitely help out.

Let me know if you have questions on anything or if you need any additional information.

Thanks!

Bryan Tykwinski, PE



701-845-9422 Direct  
701-490-1639 Cell  
1010 4th Ave SW  
Valley City, ND 58072-0937  
[kljeng.com](http://kljeng.com)

**ELLENDALE TOWNSHIP**  
**87TH AVE SE - ND HIGHWAY 11 NORTH 1.5 MILES**  
**GRADING, WIDENING, PIPE REPLACEMENT, HOT MIX ASPHALT AND INCIDENTALS**  
**PREPARED BY KLJ ENGINEERING LLC**

SPEC	ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
103	CONTRACT BOND	1	L SUM	\$ 15,000.00	\$ 15,000.00
202	REMOVAL OF PIPE ALL TYPES AND SIZES	550	LF	\$ 20.00	\$ 11,000.00
203	COMMON EXCAVATION-TYPE A	2,500	CY	\$ 8.00	\$ 20,000.00
203	TOPSOIL	10,000	CY	\$ 6.00	\$ 60,000.00
203	BORROW-EXCAVATION	25,000	CY	\$ 12.00	\$ 300,000.00
216	WATER	1,000	M GAL	\$ 20.00	\$ 20,000.00
230	SUBGRADE PREPARATION-TYPE A-12IN	80	STA	\$ 400.00	\$ 32,000.00
251	SEEDING CLASS II	12.5	ACRE	\$ 1,500.00	\$ 18,750.00
251	TEMPORARY COVER CROP	12.5	ACRE	\$ 750.00	\$ 9,375.00
253	STRAW MULCH	25	ACRE	\$ 500.00	\$ 12,500.00
260	FLOTATION SILT FENCE FENCE	300	LF	\$ 25.00	\$ 7,500.00
260	REMOVE FLOTATION SILT FENCE FENCE	300	LF	\$ 5.00	\$ 1,500.00
261	FIBER ROLLS 12IN	10,000	LF	\$ 3.25	\$ 32,500.00
261	REMOVE FIBER ROLLS 12IN	7,500	LF	\$ 1.00	\$ 7,500.00
302	AGGREGATE BASE COURSE CL 5	21,000	TON	\$ 28.00	\$ 588,000.00
401	PRIME COAT	7,000	GAL	\$ 4.00	\$ 28,000.00
401	BLOTTER MATERIAL CL 44	225	TON	\$ 40.00	\$ 9,000.00
430	SUPERPAVE FAA 43	8,000	TON	\$ 90.00	\$ 720,000.00
430	CORED SAMPLE	50	EA	\$ 50.00	\$ 2,500.00
430	PG 58S-34 ASPHALT CEMENT	480	TON	\$ 700.00	\$ 336,000.00
702	MOBILIZATION	1	L SUM	\$ 250,000.00	\$ 250,000.00
704	TRAFFIC CONTROL	1	L SUM	\$ 50,000.00	\$ 50,000.00
706	AGGREGATE LABORATORY	1	EA	\$ 15,000.00	\$ 15,000.00
706	BITUMINOUS LABORATORY	1	EA	\$ 5,000.00	\$ 5,000.00
706	CONTRACTOR'S LABORATORY	1	EA	\$ 5,000.00	\$ 5,000.00
709	GEOSYNTHETIC MATERIAL TYPE G	37,500	SY	\$ 6.00	\$ 225,000.00
714	PIPE CONDUIT 18IN-APPROACH	300	LF	\$ 100.00	\$ 30,000.00
714	PIPE CONDUIT 24IN	240	LF	\$ 250.00	\$ 60,000.00
714	PIPE CONDUIT 24IN-APPROACH	180	LF	\$ 150.00	\$ 27,000.00
714	PIPE CONDUIT 36IN	60	LF	\$ 300.00	\$ 18,000.00
714	PIPE CONDUIT 42IN	180	LF	\$ 400.00	\$ 72,000.00
760	RUMPLE STRIPS - INTERSECTION	1	SET	\$ 5,000.00	\$ 5,000.00
762	PVMT MK PAINTED 4IN LINE	7,500	LF	\$ 0.25	\$ 1,875.00

Estimated Total Construction Cost = \$ 2,995,000.00  
 Construction Contingency (15%) = \$ 449,000.00  
 Preliminary Engineering = \$ 275,000.00  
 Construction Engineering = \$ 300,000.00  
 Estimated Total Project Cost = \$ 4,019,000.00

Note: Total Estimated Project Cost Does Not Include Right of Way Purchasing and Utility Relocation costs.

From: Joel Hamar hamarfrm@gmail.com  
Subject: Fwd: event follow up  
Date: Aug 30, 2024 at 10:46:41 AM  
To: Wanda Sheppard wsheppard@nd.gov

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Sent from my iPhone

Begin forwarded message:

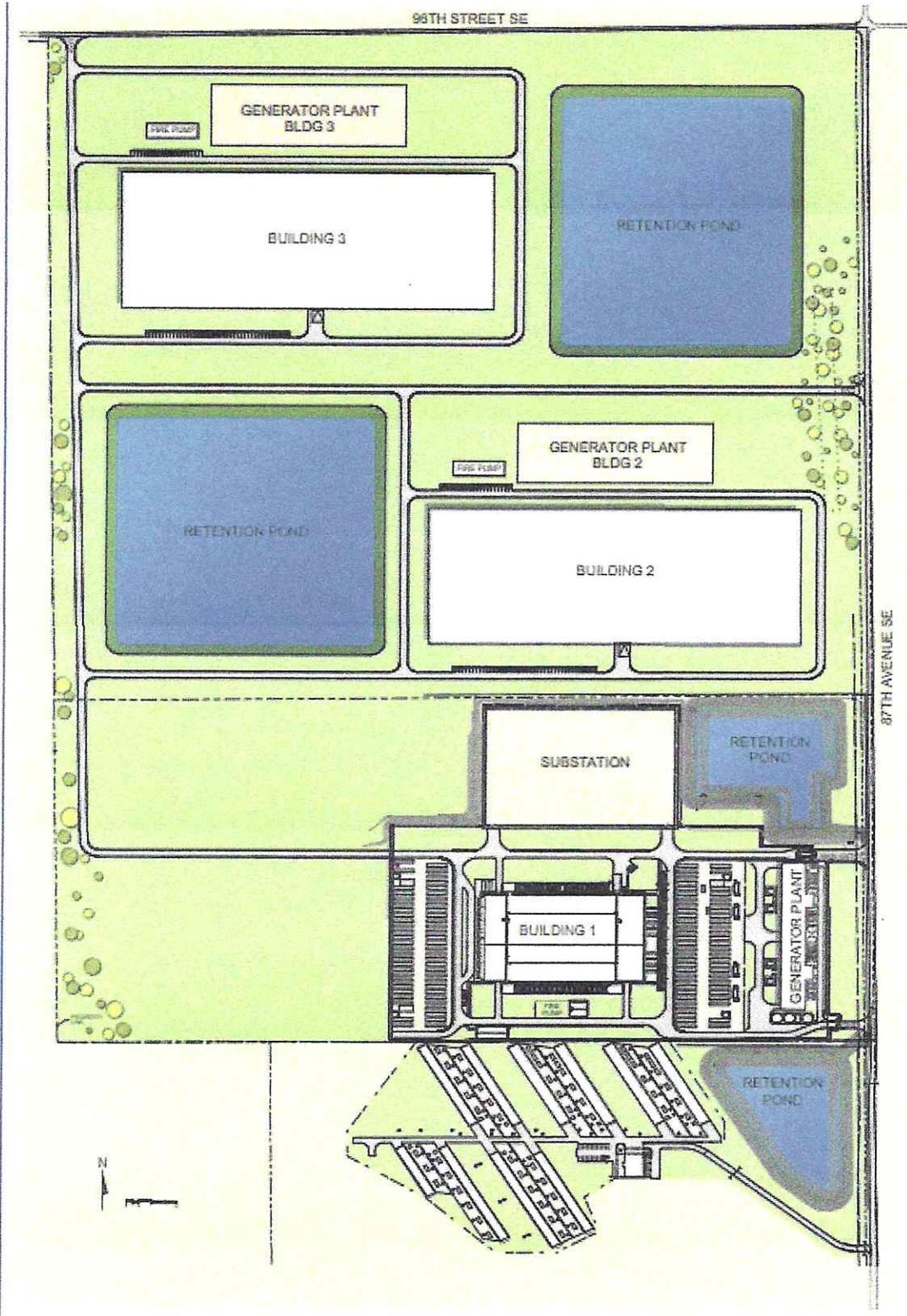
**From:** Nick Phillips <Nick@applieddigital.com>  
**Date:** August 29, 2024 at 4:30:13 PM CDT  
**To:** athorpe45@hotmail.com, hamarfrm@gmail.com,  
jrepair@drtel.net, vincentcarruth@gmail.com,  
holmkacey@nd.gov, jewelsh@nd.gov,  
carlsonbrandon@nd.gov, maroberts@nd.gov,  
jhokana@nd.gov  
**Cc:** Martin J Vega <mjvega@applieddigital.com>  
**Subject:** event follow up

I hope this message finds you well.

I wanted to take a moment to thank you for your continued support and for working closely with us on the ongoing development of our project.

Additionally, thank you for attending our event on the 27th, where we had the opportunity to showcase the current and plans for buildings. Your presence and input were invaluable. We also appreciate our previous meetings with the township on February 27th, June 26th, and September 21, 2024, where we delved into the details of this project.

As we have discussed numerous times in the past, our plans have focused on developing three buildings and support services on our property, with the first building nearly complete and the others well underway. I'm pleased to share with you a site layout for the work we have already commenced. We have successfully acquired all the necessary land, procured a substantial amount of equipment, and completed much of the design work required for the project.



**Nick Phillips**  
EVP Public Affairs & Real Estate Acquisition



APPLIED DIGITAL

D: 423-567-8000

3811 Turtle Creek Blvd

Suite 2100

Dallas, TX 75219

## **MEMORANDUM OF UNDERSTANDING**

The parties to this Memorandum of Understanding (MOU) are Township of Ellendale, North Dakota (Township), and APLD HPC Holdings LLC, a Delaware limited liability company (APLD).

### **ARTICLE I. Purpose.**

The parties agree to work together in good faith to improve safety and performance of roads that are utilized by APLD, its contractors and employees.

### **ARTICLE II. AUTHORITY.**

The Township has authority to dispose and regulate its corporate property as may be deemed conducive to the interests of the inhabitants pursuant to NDCC 58-03-01. APLD owns and operates a facility on 87<sup>th</sup> Avenue that requires improvements for its needs; however, Township will not provide those upgrades.

### **ARTICLE III. TERMS.**

- (a) Township will unconditionally and immediately transfer ownership, rights and maintenance of one and one half (1.5) miles of township road on 87<sup>th</sup> Avenue SE from Highway 11 to 96<sup>th</sup> Street SE (87<sup>th</sup> Avenue), Ellendale, North Dakota to Dickey County, North Dakota, which roadway is shown on the attached Exhibit A. This will enable faster upgrades for this critical roadway.
- (b) APLD will pay to the VENDOR of Township a total up to \$300,000.00 for the costs of regravelling and maintaining other township roads that have been used by APLD contractors to expedite the construction schedule. Payment will be made of up to \$150,000.00 in 2025 and the balance of \$150,000.00 in annual amounts up to \$30,000.00 in each of the next five (5) calendar years (2026-2030). Amounts listed are maximums to be paid by APLD each year to the Township.
- (c) Prior to any payments, Township must provide this executed agreement and the executed agreement between the Township and Dickey County that provides for an immediate transfer of the authority of 87<sup>th</sup> Avenue from the Township to Dickey County to APLD.
- (d) For the payments to VENDOR, Township must provide to APLD the invoice that VENDOR provided showing the work was for gravel road maintenance or regravelling of the Roads within thirty (30) days of the completion of the work. APLD will issue payment within thirty (30) days of receipt of the invoice from Township for the amounts up to the amounts listed in Article III, subsection (c). Township will be responsible to the VENDOR for any amounts that are in excess of the limits for APLD.
- (e) This MOU is effective once executed by both parties only after the Township has signed an agreement with Dickey County to transfer ownership of 87<sup>th</sup> Avenue. If no agreement is signed by both the Township and Dickey County, then this MOU is null and void.
- (f) APLD agrees it is not a common carrier nor is it a governmental entity so it cannot exercise eminent domain under North Dakota Century Code Chapter 32-15.

IN WITNESS WHEREOF, Township and APLD have caused this Agreement to be executed as of the date both parties executed it.

Dated: \_\_\_\_\_, 2025

Township:  
Ellendale Township, North Dakota

By: \_\_\_\_\_

Name: Joel Hamar

Title: Chair, Ellendale Township Board of Supervisors

Dated: \_\_\_\_\_, 2025

APLD:

APLD HPC Hosting LLC

By: \_\_\_\_\_

Name: Saidal Mohmand

Title: Chief Financial Officer

**Joel Hamar**

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**From:** Lance Cummins <Lance@appliedblockchaininc.com>  
**Sent:** Tuesday, August 23, 2022 10:07 AM  
**To:** hamarfrm@drtel.net  
**Cc:** Brian Hasemann; Nick Phillips  
**Subject:** FW: ELN01 - Permitting and Zoning for Construction

Hi Joel, Based on our conversations could you respond to the email below to verify this is correct so we have something for our records.

Thanks

Lance Cummins  
Applied Blockchain Inc  
Director of Field Operations



C: 208.280.4467

**From:** [Brian Hasemann](#)  
**Sent:** Tuesday, August 23, 2022 9:48 AM  
**To:** [Nick Phillips](#); [Lance Cummins](#)  
**Subject:** ELN01 - Permitting and Zoning for Construction

Gentlemen,

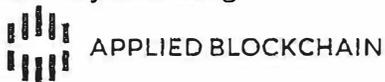
My understanding is that Ellendale, ND and Dickey County do not require us to submit formal documentation for site permitting or zoning in order to construct our site in Ellendale, ND.

The approach permit provided to us with must be complete in order to construct our new approach to the proposed site.

Please have this verified in writing by your contacts in Ellendale and Dickey County and notify me should any of our understanding be incorrect.

Thanks all,

**Brian Hasemann**  
Applied Blockchain Inc  
Sr. Project Manager



C: 774-280-6832

...transmission capac-  
ity. So, let's put the  
transmission lines here in west-  
ern North Dakota or  
South Dakota, close to  
the pipeline, or gas pro-  
duction. These companies  
are building their own gas  
lines," Vigesaa  
said. "When it has another  
stage. By using  
natural gas, we're  
producing more oil.  
It's a win-win."  
The economic impacts  
of building data centers  
rather than natural gas are not  
comparable, but  
aid in improving  
fiber networks  
and building new  
data centers tends to be less  
costly.  
Those in charge  
of building data centers  
should discuss  
the quick solution  
and federal  
response to  
the agencies.

growing consumer  
demand for electricity  
and support economic  
expansion, we need to  
add transmission capaci-  
ty and build upon our  
existing baseload genera-  
tion — not try to shut it  
down," Burgum said in  
the release.

### What's next?

Data Center Maps is a  
company aiming to serve  
as a database for data  
center development. It  
counts seven significant  
data center sites in North  
Dakota, operated by five  
organizations. As the  
state accepts new projects,  
those numbers will  
dramatically increase.

North Dakota has been  
incentivizing data center  
development for years.  
The state's cold climate,  
proximity to fiber optic  
networks, light regula-  
tions on natural resource  
use and flat topography  
position it well for

about it (at the confer-  
ence), but the amount of  
land is not insignificant.  
It's a lot of acres and just  
big white buildings with  
air conditioners all  
around," Vigesaa said.

"(Data center compa-  
nies) want this nice flat  
place that's 500 acres,  
multiple 500 acres. How  
much corn or meat does  
that displace?" Vigesaa  
said. "Well, then that  
farmer that sold that  
maybe sold it for 50 times  
what it was worth, then  
he can go out and buy  
land and compete against  
the regular farmer who  
didn't get to sell and pay  
an ungodly price to get  
the next land that's com-  
ing up, which pushes that  
farmer out.

"But it's a disruption  
whether it happens in  
North Dakota or not," he  
said.

Data centers are only  
regulated through coun-  
ty-level zoning permits,

opment when Chair  
Randy Christmann  
begged the question.

"When I get those com-  
plaints, may I pass your  
cell number?" Christ-  
mann asked.

North Dakota's Associ-  
ation of Counties Direc-  
tor Aaron Birst said reg-  
ulating the industry  
could take away control  
from local governments.

"Economic develop-  
ment projects are wel-  
come in the counties, but  
you still need to make  
sure the development fits  
within the community  
that has been built so you  
don't have so many nega-  
tive land use issues,"  
Birst said after the con-  
ference. "Just dropping  
these things in a commu-  
nity without some deep  
thought and zoning con-  
trol is a recipe for  
disaster."

Readers can reach Forum  
reporter Peyton Haug at  
608-397-6073.



on Mar 17

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# Ellendale

February 27 11:03 AM



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# Ellendale

February 27 11:03 AM

